

Remarks

Applicants have amended claims solely to expedite prosecution of a preferred embodiment. Accordingly, Applicants do not waive or abandon any of the cancelled claims or subject matter and reserve the right to continue prosecution of any of the cancelled claims and subject matter in continuation applications. Specifically, Applicants have amended claim 62 to include the subject matter from claims 63, 64 and 70. Applicants have also amended claim 65 to include subject matter from claim 66. Accordingly, no new matter has been introduced by the amendments and their entry is respectfully requested. Claims 63, 64, 66, 69, and 70 have been cancelled to comply with the amendments.

Applicants now turn to the specific rejections.

The Examiner rejected claims 62, 63, 65, 67, 69, and 70 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takaku, *et al.* (1999, JP11-292795)(“Takaku”) and Novina, *et al.* (2002, Nat. Med. v.8:681-686)(“Novina”).

Applicants respectfully submit that the rejection should be withdrawn for the following reasons.

The amended claims are drawn to a method for treating an HIV infection comprising administering intravaginally to an individual an siRNA composition comprising SEQ ID NO: 1, and SEQ ID NO: 2. The Examiner acknowledged that Takaku does not teach not teach siRNAs for HIV therapy, nor does it teach intravaginal administration of siRNAs or siRNAs having SEQ ID NO: 1 and SEQ ID NO: 2 or siRNAs targeting the HIV p24 gene wherein the siRNAs comprise SEQ ID NO: 3 and SEQ ID NO: 4 (see, page 5, lines 4-7 of August 4, 2008 Office Action). The Examiner also acknowledged that SEQ ID NO: 1 and SEQ ID NO: 2 are free of prior art (page 7, of Office Action dated 11/06/2007).

Accordingly, in view of the amendments and the above, Applicants respectfully submit that the rejection of claims 62, 63, 65, 67, 69, and 70 under 35 U.S.C. § 103(a) Takaku, and Novina should be withdrawn.

The Examiner rejected claims 62-67, 69, and 70 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takaku, *et al.* (1999, JP11-292795)(“Takaku”), Wissenbach (U.S. Patent Application Publication No. 2003/0125241, filed as provisional application 60/291,830 on 05/18/2001)(“Wissenbach”), Bass (2001, Nature, v.411:428-9)(“Bass”), Elbashir,

et al. (2001, Nature, v.411:494-8) ("Elbashir 1"), and Elbashir, *et al.* (2001, EMBO J., v.20:6877-88) ("Elbashir 2").

Applicants respectfully submit that the rejection should be withdrawn for the following reasons.

As discussed, *supra*, the amended claims are drawn to a method for treating an HIV infection comprising administering intravaginally to an individual an siRNA composition comprising SEQ ID NO: 1, and SEQ ID NO: 2. The Examiner acknowledged that Takaku does not teach not teach siRNAs having SEQ ID NO: 1 and SEQ ID NO: 2 or siRNAs targeting the HIV p24 gene wherein the siRNAs comprise SEQ ID NO: 3 and SEQ ID NO: 4, and that the SEQ ID NO: 1 and SEQ ID NO: 2 are free of prior art.

There is no teaching of these specific sequences in any of the cited secondary references. Moreover, Elbashir 1 specifically shows that not all genes can be silenced with siRNAs. For example, the paragraph bridging pages 496 and 497, where Elbashir discusses the fact that although siRNAs against laminin worked well, siRNAs against vimentin did not work at all.

In view of the amendments to the claims and the above, Applicants respectfully submit that the rejection of claims 62-67, 69, and 70 under 35 U.S.C. §103(a) over Takaku, Wissenbach, Bass, Elbashir 1, and Elbashir 2 should be withdrawn.

In view of the foregoing, having overcome all the pending rejections, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

In the event that any additional fees are required, the Commissioner is hereby is authorized to charge Nixon Peabody LLP deposit account No. 50-0850. Any overpayments should also be deposited to said account.

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Respectfully submitted,

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